

RESOLUTION NO. R2020-041

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, RE-ORDERING IMPROVEMENTS FOR MUNICIPAL IMPROVEMENT DISTRICT NO. 104, SERVING DESERT SKY UNIT NO. 1, TO OPERATE, MAINTAIN AND REPAIR LANDSCAPING IMPROVEMENTS INCLUDED WITHIN, NEAR AND ADJACENT TO THE RETENTION AND DETENTION BASINS AND PARKINGS AND PARKWAYS AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES OF DESERT SKY UNIT NO. 1, AS MORE PARTICULARLY DESCRIBED IN THIS RESOLUTION, AND DECLARING THE LANDSCAPE IMPROVEMENTS TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT, AND THE COST OF THE LANDSCAPE IMPROVEMENTS SHALL BE ASSESSED UPON MUNICIPAL IMPROVEMENT DISTRICT NO. 104; IMPROVEMENTS SHALL BE PERFORMED UNDER ARIZONA REVISED STATUTES (A.R.S.) TITLE 48, CHAPTER 4, ARTICLE 2

WHEREAS, pursuant to Title 48, Chapter 4, Article 2, Arizona Revised Statutes, a Municipal Improvement District (MID) may be formed for the sole purpose of the operation maintenance, repair and improvements of pedestrian malls, off-street parking facilities, retention and detention basins, and parkings and parkways; and,

WHEREAS, the Mayor and City Council originally approved the request for the order of improvements MID No. 104 on September 19, 2018 through Resolution No. R2018-025; and,

WHEREAS, an inadvertent error was discovered in the legal description, requiring the submittal of a revised petition depicting the correct description of the MID boundary; and,

WHEREAS, a revised petition has been received by Mayor and City Council of the City of Yuma to form a MID to provide operation, maintenance, and repair of the landscape improvements within, near and adjacent to the parkings and parkways and related improvements in the Desert Sky Unit 1 housing development; and,

WHEREAS, the rescinding and replacing of the intent to create was approved by City Council Resolution No. R2020-029 on September 16, 2020; and,

WHEREAS, the formation of a MID for the operation, maintenance, and repair of the landscape improvements within, near, and adjacent to parkings and parkways and related improvements serving Desert Sky Unit 1 will provide a dedicated stream of funding for the maintenance of those improvements, neighborhood decision making on those improvements, and the opportunity for privatization of the maintenance of those improvements; and,

WHEREAS, the Mayor and City Council find and declare that the formation of the MID to provide the operation, maintenance, and repair of the landscape improvements within, near, and adjacent to the parkings and parkways and related improvements in the Desert Sky Unit 1 housing development to be of more than local or ordinary public benefit, and not a general public benefit, and further that the expenses of said operation, maintenance, and repair shall be assessed Desert Sky Unit 1; and,

WHEREAS, a legal description of the boundary for MID No. 104 and a diagram for MID No. 104 has been presented to City Council for consideration in this declaration of intention to re-order MID No. 104 as provided in A.R.S. § 48-576; and,

WHEREAS, the Mayor and City Council find and declare that the operation, maintenance, and repair of landscaping improvements in the parkings and parkways and related improvements in the District is incidental to the maintenance and preservation of the parkings and parkways and related improvements, has aesthetic value, and maintains and increases the value of property within the District; and,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Yuma as follows:

SECTION 1: City Council orders Landscape Improvements for MID No. 104 serving Desert Sky Unit No. 1. Once the Landscape Improvements are approved and constructed by the developer, the estimate of the cost and expenses shall be placed on file with the City Clerk and presented to City Council in accordance with the provisions of A.R.S. § 48-574.

SECTION 2: City Council finds the Landscape Improvements for MID No. 104 are of more than local or ordinary public benefit, and are of special benefit to the respective lots, parcels and pieces of land within the described real property of MID No. 104. City Council orders the cost and expense for the Landscape Improvements of MID No. 104 be chargeable upon the real and personal property within MID No. 104, as described in Exhibits A and B attached. City Council declares that MID No. 104 is benefited by the Landscape Improvements and the real and personal properties within MID No. 104 are to be assessed the proportional share of the costs and expenses of the Landscape Improvements.

SECTION 3: All proceedings concerning the Landscape Improvements for MID No. 104, including the calculations for the costs and expenses and all assessments to pay the costs and expenses of the Landscape Improvements, shall be made in accordance with the provisions of Title 48, Chapter 4, Article 2 of the A.R.S., as amended.

SECTION 4: Any public street or alley within the boundaries of MID No. 104 are omitted from the real and personal property of MID No. 104 and shall not be included in the assessment.

SECTION 5: In no event will the City of Yuma or any officer thereof be liable for any portion of the cost of said MID nor any delinquency of persons or property assessed.

SECTION 6: City Council shall make annual statements and estimates of the expenses of the MID which shall be provided for by the levy and collection of ad valorem taxes upon the assessed value of all real and personal property within MID No. 104 as provided in A.R.S. § 48- 574, as amended.

SECTION 7: To the extent required by law, Resolution R2018-025 is rescinded and replaced by this Resolution in order to give this Resolution effect and re-order Municipal Improvement District No. 104.

Adopted this _____ day of _____, 2020.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

APPROVED AS TO FORM:

Lynda L. Bushong
City Clerk

Richard W. Files
City Attorney